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# **Superfund Response Actions: Temporary Relocations Implementation Guidance**

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U.S. Environmental Protection Agency  
Office of Solid Waste and Emergency Response  
Washington, DC 20460

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## VI. DETERMINING ELIGIBILITY FOR RELOCATION ASSISTANCE

Eligibility for relocation assistance is limited to people who live in the affected residence on the date residents are notified that EPA will offer temporary relocation assistance. Because the amount of assistance is based on the number of people in each household who will live in the temporary housing, the Team should carefully document and verify the number of occupants in each residence. To do this, the Team can use information obtained through conversations with residents. Proof of residence can be shown by:

- Driver's licenses.
- Current lease or rental agreements.
- Deed of trust or sales contract for the home purchase.
- The first page of tax returns.
- Copies of the previous three months' checks (front and back) or money order payment stubs to show payment of rent or mortgage.
- Proof of public assistance.

At a minimum, the Team should obtain a driver's license or a social security number for all adult residents who will be receiving relocation assistance. The Team must be notified of any changes in the number of residents (e.g., the birth of a child) that may occur after the assistance determination has been made. This information must be included in the family's file. Attachment 11 provides a list of additional information/documents that residents may need to provide the Team when applying for assistance.

Residents may need to sign several forms to document their eligibility for assistance, their understanding of the scope of the assistance provided, the procedures for receiving assistance, and when assistance will be terminated. Attachment 12, "Application for Superfund Temporary Relocation Assistance—Needs Determination" is a form that can be used to document this information.

Attachment 13A, "Meals and Incidentals Computation Sheet" and Attachment 13B, "Rental Assistance Computation Sheet", can be used to compute the amount of temporary relocation assistance needed. The Team's ORC member should review the forms before giving them to residents.

### Early Documentation is Critical

It is critical that the Team document the number of family members living in each house, as soon as the temporary relocation is announced.

*One Remedial Project Manager had first hand experience with the importance of documenting the number of residents living in a house as soon as possible. On his first visit to a home, he found a single family with three children living in a home with very sparse furnishings. On a subsequent visit, after EPA announced its intention to temporarily relocate the residents and acquire their contaminated contents, he found that the residence was well furnished and occupied by two families, with a total of six children.*

## VII. TYPES OF ASSISTANCE AVAILABLE

People who are temporarily relocated as part of a CERCLA response action are eligible for reimbursement of **reasonable out-of-pocket expenses** incurred in connection with the temporary relocation. This includes the cost of moving to and from the temporary housing and the monthly rent and utility costs at the temporary housing. Applicants are eligible only for reimbursement when expenses are actually incurred. EPA should not reimburse residents for temporary relocation expenses incurred before the Agency initiates the temporary relocation or for expenses that were not initially approved by EPA. Some Regions have worked with residents to determine what relocation or damaged personal property costs can be covered by the resident's homeowner's or renter's insurance. If insurance coverage is available, the Team may first ask the residents to seek reimbursement from their insurance company. In some cases, EPA may reimburse residents who agree to assign their insurance coverage to the Agency. (Attachment 14 an example of this kind of agreement, and Attachment 15 is a sample claim letter to an insurance company.)

Residents are not eligible for temporary relocation payments if they receive a payment under federal, state, or local law that ORC/OGC determines is for the same purpose as payment provided under this guidance. EPA will not provide financial assistance to residents if they receive reimbursement for the same purpose from their insurance company or from a nonprofit organization.

EPA will not be responsible for damages to personal property transported to a temporary residence by the resident, for damages or losses caused by theft from the temporary residence, or for damages at the temporary residence that are determined to be the resident's responsibility. Residents should be encouraged to check their own homeowners' or renters' policies and arrange for any additional coverage that may be needed.

Homeowners and renters are responsible for paying their mortgages, including taxes and insurance, or rent for their primary residences, even though they will not be living in them. This should be explained to residents, and they should be asked to sign a statement indicating that they have been informed that these payments remain their responsibility and that they understand that their temporary relocation assistance may be reduced or terminated if they fail to continue paying their mortgage or rent (Attachment 10 is an example of this kind of agreement). In addition, if a tenant terminates the lease on the residence from which he or she was relocated, or if a homeowner sells his/her primary residence, the relocation assistance should be terminated. The rest of this section covers the various types of expenses covered under temporary relocation assistance.

### A. Temporary Housing

Temporary housing can include transient accommodations (hotels or motels without cooking facilities), locally available private rentals (houses, apartments, or mobile homes), or accommodations provided by family or friends. Eligible expenses associated with temporary housing may include:

- Rent.
- Credit-check fees required by landlords of temporary housing.

- Broker fees if a realtor is used to identify available housing.
- Maintenance fees required by landlords of temporary housing.
- Security deposits.
- Kennel/pasturing fees and any vaccinations required by kennels.
- Moving/storage fees.
- Connection and disconnection fees for utilities, cable TV, and basic telephone service.
- Furniture rental.

#### **Expect the Unexpected; Allow Time for Planning**

While conducting an emergency response to the threat posed by a stockpile of weapons, including explosives and chemicals, Region 9 temporarily relocated a tenant and her 22 pets. The pets ranged from cats to horses and had many special care needs. Because no suitable housing was available that would accommodate all of the pets, some of them had to be boarded. Before the relocation could be completed, the arrangements required extended planning and coordination.

For short-term relocations lasting a few days to weeks, transient accommodations (hotels or motels without cooking facilities) may be most appropriate, but whenever possible, stays in transient accommodations should be limited to no more than a few weeks. For long-term relocations lasting more than a few weeks, private rentals may be more cost-effective and comfortable for residents. Depending on the circumstances, it may be necessary to place people temporarily in hotels or motels until more appropriate housing becomes available.

#### **Anticipate Problems, Find Creative Solutions**

Keeping small children occupied can be challenging for parents even under the best of circumstances. Parents may find this even more difficult while staying in hotels or motels for several weeks. One EPA Region arranged for children who were relocated for several weeks to a motel to attend day camp and other day-time activities. These day-time activities kept the children active and reduced complaints from the motel management and other motel guests. The Region avoided damaging its relationship with the hotel management, which may have led to the eviction of some of the residents. The cost of the day-time activities was less than the potential cost of moving the residents a second time.

To the extent possible—given time constraints and availability of temporary housing—the Team should try to find temporary housing that is: functionally equivalent to the resident's primary residence; close to the resident's work, schools, and shopping facilities; and accessible to public transportation, if needed [see 49 CFR Section 24.2(d)(2)]. At a minimum, the Team should be sensitive to the number, age, and sex of each family member when making sleeping room arrangements. For example, in hotels and motels, children under the age of 18 should be in the same room or in connecting rooms with a responsible adult. Additionally, girls and boys may need to have separate sleeping rooms. Further difficulties may arise when hotels do not have the appropriate number of connecting rooms.

For long-term temporary relocations, residents should be encouraged to help identify their own temporary relocation housing after being informed by the Team about the types of housing and the amount of rent that would be eligible for reimbursement. Local real estate sales offices are often good sources of information on available temporary housing and can help EPA and

residents find housing in a limited market. While residents may help identify their own temporary housing, it is EPA's responsibility to ensure that they are provided appropriate housing. Regardless of who identifies the temporary residence, the Agency or its designated agent should inspect the housing to determine that it is decent, safe, and sanitary before the move is scheduled.

If it is necessary to enter into a lease for apartments or houses, the Team has two options: 1) the residents can sign the lease; or 2) EPA or its representative can sign the lease (see footnote below for further information).<sup>1</sup> Whenever possible, the residents should sign the lease. This helps make it clear to the residents that they are liable for any damage made by themselves or their guests to the rental property. When residents sign leases, landlords should be notified that EPA or the PRP will reimburse the residents for the rent. In some cases, the Team may arrange with the landlord to bill EPA, USACE, or the PRP as appropriate. If that is not possible and the resident cannot wait for reimbursement of rent, or a landlord will not rent to a tenant with poor credit, or if the Team determines that it is more cost effective, the Team can arrange to issue the rent check in both the resident's and landlord's name. Generally, residents moved to hotels or motels should sign the agreement with the hotel or motel and agree to comply with their rules (see Attachment 16, Example of Hotel Rules).

#### **A.1. Cost of Transient Accommodations**

The government bases allowable costs for temporary housing in transient accommodations (hotels or motels without cooking facilities) on the federal per diem rates that are paid to government employees on official travel in the community. The government rate for lodging should be considered a maximum amount the Agency will reimburse for transient housing. In the rare case when the only available transient accommodations are priced higher than the government rate, the Region may approve an amount that is up to 150% of the maximum government rate for the area where the temporary relocation is taking place. The reason for such a decision should be well documented

and should include information on the availability of similar temporary housing in the program or project area and the person's circumstances (e.g., access to school transportation). If an OSC/RPM determines that there is little, if any, appropriate temporary housing available to affected residents within an entire project area and more expensive temporary housing is needed for the area as a whole, it may be appropriate to consider whether waiting for less expensive temporary housing to become available would justify a delay of the project.

#### **Residents Engaging in Illegal Activity**

Whenever possible, residents should sign hotel/motel and rental agreements themselves. By doing so, they agree to comply with the rules of the landlord. In one case, a hotel evicted a temporarily relocated resident due to allegations of drug activity on hotel property. Since the hotel evicted the resident, EPA was not in the position of denying assistance based on alleged criminal activity. The evicted resident was responsible for finding a new hotel and paying his own moving costs. EPA continued to reimburse the resident for his lodging and daily allotment.

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<sup>1</sup> Since entering into a lease is a form of acquiring an interest in real property, the Regions do not have the authority to sign a lease. If a Region or its representative needs to sign a lease, the Region must contact an OERR Regional Coordinator to get Headquarter's approval. This includes getting concurrence from OGC and having the lease signed by the Director of the Facilities Management Services Division (FMSD). If the estimated amount of the lease is greater than \$25,000, the Region also needs to get approval from the Assistant Administrator (AA) of OSWER or his/her delegated representative.



#### **A.2. Fair Market Rent for Houses or Apartments**

When residents temporarily relocate to apartments or houses, the allowable cost for temporary housing is based on the rent charged for a similar apartment or house. In some communities, temporary housing may be limited. The Team should make sure the temporary housing offered is decent, safe, and sanitary as described in Attachment 2, and, at a minimum, has the necessary number of bedrooms to accommodate the residents. The rent should be reasonable for the size and type of residence in the local area. This may be determined by averaging the cost of available residences per bedroom size for each locality where temporary housing will be provided. A fair market rent (FMR) for an area will depend on supply, demand, and types of available housing resources. Determining the FMR is appropriate to ensure cost-effectiveness and to discourage inflation of rents in the affected area. Assistance in determining FMR may be available from local real estate agencies or USACE relocation support experts.

While FMR guidelines reflect the desired maximum reimbursement, it also is likely that housing can be obtained at lower prices. The use of housing that is priced higher than provided in the FMR guidelines may be authorized for full reimbursement only when other existing resources are not available. When fewer than 10 families are being relocated, FMR guidelines may be established using a less time-consuming means. Acceptable methods include using an estimate provided by real estate agencies or conducting a sampling instead of a comprehensive survey. A copy of the established guidelines should be placed in each applicant's file.

#### **A.3. Lodging Provided by Friends or Family**

Occasionally residents prefer to find temporary accommodations with friends or family. EPA cannot require that they do so and must offer these residents the same option as offered to other residents. Residents who choose to stay with friends or family should not receive reimbursement for lodging unless the host actually incurs additional costs in accommodating the resident. In such instances, the additional costs must be well documented and determined to be reasonable by EPA. Only additional costs may be compensated. Neither costs based on room rates for comparable conventional lodging in the area nor flat "token" amounts will be considered as reasonable (Regions should refer to the Federal Travel Regulations for additional advice). However, they may qualify to receive reimbursement for meals and incidentals depending on the type of temporary housing they were offered by EPA.

Residents who are offered the option of temporarily relocating to hotels or motels without cooking facilities and elect to stay with friends or family are eligible to be reimbursed for meals and incidentals similar to government employees on official travel. Even though cooking facilities may be available at the home of their friend or family member, the resident should have the option of eating out as if they were if staying in a hotel or motel in order to reduce the impact on the family or friend. In this case, the cost to EPA for meals and incidentals would be the same, regardless of the choice the resident makes.

Residents who are offered the option of relocating to an apartment or house with cooking facilities and elect to stay with family or friends should not be reimbursed for meals and incidentals unless clear documentation is provided to show the option to be more cost effective as compared to relocating to an apartment or house offered by EPA.

Residents who elect to stay with family or friends, and find it necessary to move, should be given the option to move to the same type of temporary housing as originally offered by EPA if they find it necessary.

## **B. Furniture Rental/Moving Costs**

### ***B.1. Furniture Rental***

Whenever possible, residents should be encouraged to take with them any personal items they will need while away from their homes. In some cases, however, personal possessions may be contaminated and will have to be left behind.

If residents are being placed in short-term transient housing, furniture will not be needed. For short-term temporary relocations to apartments or rental houses, it may be less expensive to rent furniture or to rent a furnished apartment, rather than to reimburse the costs associated with moving furniture from and back to the primary residence. For longer-term temporary relocations in apartments or rental houses, the Team should determine the most cost-effective and least burdensome way of providing furnishings. For longer-term temporary relocations, it may be more cost-effective to move residents' furniture into their temporary housing. Sometimes, this will require the decontamination of the furniture (if possible) at the primary residence before it is moved. In some cases, furniture may be placed into storage while work is being done at the permanent residence.

If the Team decides that rental furniture is the most cost-effective way of meeting residents' needs, a furniture rental assistance payment or rental of a furnished apartment may be authorized. Rental furniture is provided on a loan basis for the duration of the temporary relocation. Keep in mind the following guidelines when considering the provision of rental furniture:

- Rental furniture items are to be provided in accordance with family size and needs (See Attachment 8 for a list of essential furniture items for temporary housing).
- Generally, residents should sign the rental agreement with the furniture store and receive reimbursement for the rental fees. In some circumstances, the Team may determine that it is more cost-effective or otherwise appropriate to pay the furniture rental store directly.
- The furniture items provided should be of average construction and quality; EPA will not reimburse residents for luxury items.
- Residents should be informed in writing (and asked to sign a receipt for this information) that they are responsible for any damages—other than normal wear and tear—done to the rental items. (See Attachment 10, "U.S. EPA Temporary Relocation Agreement").
- If possible, residents should be allowed to pick out their rental furniture based on a limited selection of essential furniture approved as eligible for reimbursement. This may make them more comfortable in their new living arrangement and help to reduce any additional stress caused by the relocation.
- The Team should reimburse a reasonable rental fee for each item or approve a total fixed amount for all essential items.

- The Team should make sure that the rental furniture is ordered and delivered before residents must move into their temporary housing.

## **B.2. Moving Costs**

There are several options for moving personal items to and from temporary residences:

- **An EPA-arranged Move**—Under this option, EPA's contractors or the USACE (if USACE is providing relocation support) take responsibility for all aspects of moving the resident's personal property to and from the temporary residence, including packing personal possessions. In this situation, residents incur no costs and receive no compensation. EPA's contractors or USACE will obtain bids from several moving companies and select a company, taking costs, reliability, and other factors into consideration. It is important to be sure that the selected moving company is insured and, if necessary, bonded, especially when moving expensive or unusual items. Some moving companies have limited coverage for replacement of lost or damaged property. The Team should review the coverage carefully and be sure that the coverage is for the replacement value of the property. It also is important to note that most movers will not insure items they do not pack themselves. Thus, residents who choose to pack their own possessions may be responsible for any damage done as a result of the move and they should be informed of this in writing.
- **EPA and Resident Share Move**—Residents may choose to pack their own property and have EPA move the property to and from the temporary address. EPA can provide the residents with packing materials and pre-printed packing labels at no cost to the residents, or the residents can purchase their own packing materials. If they purchase their own materials, they can be reimbursed for their expenses, as determined by EPA to be reasonable and necessary (49 CFR 24.301). In this case, EPA's contractors or USACE (if USACE is providing relocation support) may be responsible only for damage that occurs during the actual transportation of the property, not for damage associated with inadequate packing. If residents decide to pack their own possessions, they should sign waivers acknowledging that they understand their responsibility if damage occurs.
- **Resident-arranged Move**—Residents may choose to move their own property to or from the temporary residence or to hire a mover on their own. In this case, EPA will reimburse them for reasonable actual moving expenses. Residents should obtain three bids from legitimate (as determined by EPA) moving companies and select the best bidder based on consideration of cost and reliability. Under this option, EPA is not responsible for any damage suffered by the property or for any performance failures on the part of the moving company. Therefore, residents should be encouraged to ensure that their mover provides adequate insurance (e.g., replacement value of the property) to cover loss or damage to personal property. Residents should be made aware that insurance coverage varies among moving companies and may be an optional expense that would be reimbursed.
- **Fixed Payment for Moving Expenses**—Residents may be offered a fixed payment rather than reimbursement for the actual moving expenses incurred when moving personal property to and from the temporary residence. A payment schedule, organized by state

and number of rooms at the primary residence, is provided by the Federal Highway Administration (49 CFR Part 24.302) and provides guidance for determining an appropriate fixed rate.

When time and resources permit, residents should be allowed to select the option that is best for them. If that is not possible, however, the Team should select the option that is the most cost-effective for the Agency and least burdensome for residents. Attachment 17 includes general packing instructions for residents. At the time this decision is made, it is important to document the condition of the residents' personal property that will be moved and that will remain in the residence (see Section V.D., "Documentation of the Primary Residence and Personal Property").

Residents who request a transfer to another temporary residence solely for their own convenience or for reasons brought about by their behavior may be responsible for all expenses associated with the move, including any increase in rent. If, however, EPA initiates a second relocation or if the second relocation is necessary for reasons not the fault of the resident, all essential moving costs should be reimbursed, and the move should be accomplished with as little inconvenience to the residents as possible.

### **C. Utilities**

Residents should be compensated for additional out-of-pocket expenses associated with utilities. The Team should consider several factors in determining which utilities EPA will pay. Those factors include the anticipated duration of the temporary relocation, the utilities EPA may actually use while implementing the response action, the rental agreement at the temporary address (some rental costs includes utilities) and other factors discussed below. In general, as with other expenses, residents should pay all utility expenses and seek reimbursement where appropriate.

#### ***C.1. Primary Residence***

In general, residents are responsible for continuing to pay for the utilities at the primary residence. Generally, the major utilities (e.g., trash collection, water, electricity, gas) should be continued throughout the response action. If the relocation is for a short period of time (e.g., a few days to a few weeks), it also is cost-effective to leave telephones, cable television, and other utilities connected. If the relocation will last more than a few weeks, the Team may decide that it is more cost-effective for the government to pay for the disconnection and reconnection of some utilities, even if the utility companies will not waive these fees. EPA should be cautious, however, about disconnecting electricity, gas, and water utilities, because these may be necessary to protect the property. In some cases, heat may be necessary to keep pipes from freezing and dehumidifiers may be necessary to prevent damage from molds and mildew. If utilities are disconnected for any reason, residents should be reminded to move refrigerated/frozen foods to their temporary residence. If this is not possible, residents may be compensated for their losses.

In some cases, the Team may need to use the utilities to implement the response action for a limited period of time. In this situation, EPA is responsible for paying the cost of the utilities and should carefully document the time period (meter readings) for which the utilities are used for the response action. The Team should consider meeting with each resident and discussing expectations regarding utilities. Documenting this in writing may help clarify expectations.

### **C.2. Temporary Residence**

The Team may authorize reimbursement of costs for essential utilities at the temporary residence when they are not covered in the rent. Reimbursement for essential utilities can include gas, electricity, oil, water, and sewer. The Temporary Relocation Team also can approve reimbursing the resident for costs associated with the connection of cable TV if the residents had cable TV at their primary residence or if it is needed for television reception.

There are three types of costs associated with telephone service: disconnection/reconnection fees, monthly local service fees, and long-distance service fees. EPA will reimburse the telephone disconnection/reconnection fees at both the primary and temporary residences, but only will reimburse for monthly local telephone service at the temporary residence if the service has not been disconnected at the primary residence (the cost for local telephone service at the temporary residence is considered an out-of-pocket expense associated with the relocation). The Team may negotiate with the hotel to waive these charges. The reimbursement is limited to the same type of service that the resident has at the primary residence. EPA generally will not reimburse for long-distance service or collect calls. Reimbursement of long distance or collect calls must be approved by the Team in advance of incurring the cost. These calls are eligible for reimbursement only if the expense can be clearly documented as an out-of-pocket expense. An example of an allowable reimbursable long-distance phone call would be a local call that was routinely made or received prior to the relocation that becomes a long-distance call since the relocation. Given the high charges hotels and motels impose for placing phone calls, it may be worthwhile to encourage people to purchase calling cards to make their long distance calls.

Residents are responsible for any damages to the temporary housing or rental furniture caused by them or their guests. Residents should be informed of this and asked to sign an agreement indicating that they have been informed of their responsibilities, (see Attachment 10 for an example of this agreement). OSCs/RPMs have found it helpful to withhold a portion of residents' final reimbursements until these types of outstanding debts are paid.

### **D. Daily Allotments for Food, Incidentals, and Laundry**

Residents relocated to hotels or motels that do not have cooking facilities should be reimbursed for their reasonable out-of-pocket expenses just as government employees are when on official travel. Compensation for food and incidentals should be based on the appropriate government employee per diem rate for the geographic area. Adults and children should be covered at different rates. Residents who are 12 years and older should receive the full per diem rate and children under age 12 should receive half that amount. (See Section VII.A.3. for guidance on daily allotment for residents who choose to stay with family or friends).

Residents who have a washer and dryer at their primary residence but not at their temporary residence may be reimbursed for their laundry expenses every fourth consecutive night they are temporarily relocated. Consistent with federal travel regulations, the daily allotment should be used for laundry needs when residents are relocated less than four days. Dry cleaning generally is not an out-of-pocket expense associated with the relocation and is not reimbursable.

When families have limited resources, the Team may find it is necessary to provide them their daily allotment before their expenses are incurred. Relocated families may not be able to pay for restaurant meals and then wait for reimbursement. Special arrangements will have to be made with the real estate experts (ERRS or USACE) or with the financial experts in the Regional

office. The advance payment for the daily allotments should not exceed two weeks. Attachment 18 includes examples of forms that can be used to document receipt of advanced payments and other compensation. Additionally, many hotels/motels are located in areas that provide limited restaurant choices. Severely limiting resident's restaurant options for an extended period of time is generally not practical, particularly if there are dietary needs/restrictions or cultural concerns. Some OSCs/RPMs have worked with local hotels to provide alternative restaurant arrangements, such as asking the hotel to provide shuttle bus service to nearby restaurants.

### **E. Household Staples**

In some situations, residents may not be able to take any of their household staples—including cooking products like flour, spices, sugar, condiments, or cleaning products like bleach, laundry soap, brooms and mops—to their temporary apartment or house. Since these items are not purchased and consumed weekly, the cost of replacing all of them at once may be considered a reasonable out-of-pocket expense as residents set up housekeeping at their temporary residences. In these situations, the Team may decide to reimburse residents living in temporary housing for the reasonable replacement expense for routinely used household items. The actual amount should be based on the types of items that must be replaced (e.g., in some situations, food may need to be destroyed, but items such as cleaning and personal hygiene products may be taken to the temporary residence; in other situations, it may not be possible for the residents to remove any household staples from their homes).

### **F. Insurance Premiums for the Temporary and Primary Residences**

Residents are responsible for maintaining insurance at their primary residence. Temporary increases in insurance costs resulting from the relocation should be treated as an eligible out-of-pocket expense (e.g., increased premiums for vacant dwelling and insurance at the temporary residence). In some situations, to limit insurance cost increases, the Team may contact the insurance company to advise them of the government's responsibilities regarding provision of site security. Residents should be encouraged to obtain renters' insurance at the temporary residence to protect their possessions. If renters' insurance is an out-of-pocket expense, it is eligible for reimbursement.

### **G. Personal Transportation Costs**

Personal transportation costs are not ordinarily considered expenses incurred as a result of relocation. However, the Team may recommend that certain expenses be considered reasonable out-of-pocket expenses directly related to relocation. For example, if the temporary housing is located far away from residents' schools or work, the Team may authorize the payment of personal transportation costs or make

#### **Finding Temporary Housing Near Schools Presents a Special Challenge**

Sometimes it is impossible to find temporary housing that is near the schools where temporarily relocated children are currently enrolled. However, these children must have transportation to get to school.

To address this problem at a pesticide-contaminated site Ohio, Region 5 contracted with a local social service organization to provide vans and drivers to transport the relocated children to their schools. This required monitoring by a Team member. In one instance, a driver dropped a child off at the wrong hotel after school. To alleviate such problems in the future, Region 5 developed an application for school bus transportation. For an example of this application, see Attachment 19.

arrangements for transportation to be provided. Regions should take great care to make sure standards are in place when selecting drivers and vans.<sup>2</sup>

If the resident elected to move to a temporary residence that is farther from schools or work than a location EPA provided, EPA should not be responsible for any additional transportation costs beyond those associated with the temporary residence offered by EPA.

## **H. Damaged or Contaminated Personal Property**

Costs associated with damaged or contaminated personal property are not a temporary relocation expense, but they often occur at sites where EPA is conducting a temporary relocation. In general, EPA has the discretion to compensate residents for personal property that is damaged in the course of the cleanup or that cannot be decontaminated. In most situations, EPA should provide replacement value for essential furniture items (see Attachment 8 for a list of essential furniture items) and depreciated value for non-essential personal property.

Several methods can be used to reimburse residents. A third party draft can be used for reimbursement up to \$5,000. Treasury checks can be issued for larger amounts. Issuing treasury checks may take time because there is a built in time delay in EPA's procurement procedures. The Team should work with their financial management office to determine if treasury checks are feasible and if they can be issued in a timely manner. This guidance, however, is not intended to fully outline the assistance available to compensate residents for contaminated personal property. Contact the OERR Regional Coordinator for assistance. Additional guidance on funding options is available in the "On-Scene Coordinators Toolbox Guide," EPA Directive 9242.2-12, EPA Publication 540-K-00-003.

## **I. Reimbursement for Non-Residential Relocations**

Temporarily relocating farms, nonprofit organizations, businesses with special permits (such as bars and hotels), or large or specialized operations can have devastating effects on their success. Therefore, the OSC/RPM should explore every available option to avoid temporarily relocating them. However, if these types of businesses have to close down temporarily during a response action, they may be entitled to some assistance. ORC and the Region's OERR Regional Coordinator should work with OGC to determine what assistance, if any, can be provided.

Other types of businesses may be easier to temporarily relocate. For example, if a relocated resident had set aside part of his/her residence to operate a small business and had phone or fax lines, EPA may provide such arrangements at the temporary residence. Determinations for the types of relocation assistance EPA can provide are made on a case-by-case basis, and consider factors such as essential equipment needed to continue operation, special hook-ups,

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<sup>2</sup> Bus driver qualifications and standards are established by state and federal regulations. All drivers must comply with federal regulations and any state regulations that exceed federal requirements. At a minimum, the Team should insist that school bus drivers pass a background investigation to uncover any criminal convictions or a history of mental illness. Drivers must not have been convicted of a felony involving the use of a motor vehicle; a crime involving drugs; or driving under the influence of drugs or alcohol. The Team may want to consult with the local school board for additional advice. Additional information is also available in the US Department of Labor's Occupational Outlook Handbook, <http://www.bls.gov/oco/ocos242.htm#training>.

disconnections, and the potential for CERCLA liability of the business for the contamination. Costs associated with loss of goodwill, loss of profits, and loss of trained employees are not reimbursable. It is EPA's policy to provide business owners the same opportunity for the resolution of disputes as provided to residents. See Section VIII, "Termination of Assistance and Resolution of Disputes."

Assistance for non-residential relocations is different from assistance for residential relocations. The URA includes caps on certain types of assistance. This guidance document is not intended to fully outline the assistance available for non-residential relocations. The Temporary Relocation Team should work with OGC/ORC, the Region's OERR Regional Coordinator, and relocation specialists from the supporting agencies to determine the appropriate scope of relocation assistance for each non-residential operation requiring relocation.

### **J. Other Expenses Directly Related to Relocation**

When appropriate, the Temporary Relocation Team may determine that other potential expenses directly related to the temporary relocation are eligible expenses. These expenses should be approved by the Team before costs have been incurred. In making determinations about other eligible expenses, the Team may consult ORC and/or their Headquarters Regional Coordinator for assistance.

### **K. General Requirements for Reimbursement of Expenses**

During a temporary relocation, residents should incur expenses and seek reimbursement from EPA. Any claim for reimbursement made by residents during a temporary relocation should be supported with bills, receipts, certified prices, appraisals, or other documentation. EPA should provide reasonable assistance in the completion and filing of any required claims for reimbursement to persons temporarily relocated. It is important to keep the following requirements in mind when dealing with requests for reimbursement:

- *Timeliness of EPA reviews*—EPA should review claims in an expeditious manner and promptly notify claimants if additional documentation is needed to support their claims. Payment for a claim should be made as soon as feasible after the supporting documentation has been received.
- *Timeliness of claim filing*—It is EPA's policy that all claims for relocation reimbursements should be filed with EPA/PRP within four months of the date that residents are allowed to return to their primary residence. This deadline can be extended; however, if residents can show the need. Residents should be notified of all deadlines in writing.
- *EPA disapproval of claims*—If EPA disapproves all or part of a claim for reimbursement for any reason (e.g., the claim was not filed in a timely manner, residents requested reimbursement for ineligible goods or services), the Agency should promptly notify the claimant in writing of its decision, of the basis for its decision, and the procedures for additional review of the dispute by an EPA official not involved in the response action at the site (see Section VIII, "Termination of Assistance and Resolution of Disputes"). This written notice should be sent via certified mail.



## **L. Public Housing Considerations**

Residents living in public housing should receive the same types of temporary relocation assistance as residents living in private homes and apartments. The Team should be aware that temporary relocation assistance should not count against the residents' public assistance since it is not income. The Team should become knowledgeable about the requirements of various public housing programs before discussing temporary relocation assistance with public housing residents.

In most cases where a response action affects public housing, the Region should have been coordinating with the appropriate public housing authority (PHA) before the relocation is announced. The PHA may be able to provide residents with temporary housing in other available public housing units or may wish to minimize the disruption in residents' lives by providing permanent alternative housing to residents. It is important that the Team work closely with the PHA as arrangements are being planned. It also might be necessary to contact the appropriate public assistance agency if problems develop. Attachment 20 provides a brief description of the United States Housing and Urban Development (HUD) Section 8 Housing Choice Voucher Program.

## **M. Tax Implications and Eligibility for Other Federal Programs**

Under 49 CFR 24.208, payment of relocation assistance is not considered income for the purpose of the Internal Revenue Code or for the purpose of determining eligibility for assistance under any other federal law, except for federal laws providing low-income housing assistance. EPA also should not withhold any part of a relocation payment from a relocated person to satisfy an obligation to any creditor other than the Agency.

## **N. Temporary Relocation Assistance Records Management**

To support EPA cost recovery efforts, thorough documentation of assistance provided under CERCLA must be maintained. The OSC/RPM must ensure that relocation administrative personnel establish and maintain files for each applicant receiving temporary relocation assistance. At a minimum, these files should contain the following:

- The completed "Application for Superfund Temporary Relocation Assistance—Needs Determination," which can be found in Attachment 12.
- Photocopies of all assistance checks issued to the applicant.
- A copy of the applicant's eligibility determination.
- Documentation of any change in the applicant's eligibility status.
- Photo and video documentation and appraisals of contaminated personal property that is being acquired and replaced as part of the response action.
- Any additional documentation that the OSC/RPM thinks is needed.

As stated in the "Application for Superfund Temporary Relocation Assistance—Needs Determination" (Attachment 12), the information requested on the application may be disclosed

to federal, state, local, and private agencies for use in providing relocation assistance. The Team should be careful not to violate rules of privacy protection (regarding, for example, individual financial information or social security numbers). Applying for and accepting temporary relocation assistance is voluntary; however, if a resident is seeking this assistance, failure to provide any of the information requested can result in delay or rejection of the application.

Records on temporarily relocated people should be retained for future claims and cost recovery purposes. These include any records relating to assistance provided, decisions about eligibility for assistance, documents indicating any unique circumstances, disputes, video documentation of property conditions, or any other materials that support EPA decisions.